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Paper No. 12

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In re Application of  
Roger Shealy  
Application No. 09/408,068  
Filed: September 29, 1999  
Attorney Docket No. 42655/214299

OFFICE OF PETITIONS  
ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed August 13, 2002, to revive the above-identified application.

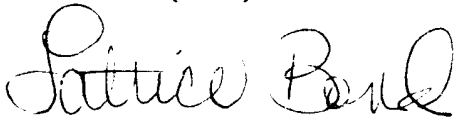
The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the final Office action mailed February 9, 2001, which set a shortened statutory period for reply of three (3) months. No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on May 10, 2001.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the \$920 extension of time submitted with the petition on August 13, 2002 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

The file is being forwarded to Technology Center 1700, Art Unit 1761, for review of the Request for Continued Examination (RCE) under 37 CFR 1.114 filed August 13, 2002.

Telephone inquiries concerning this decision should be directed to Latrice Bond at (703) 308-6911.

A handwritten signature in cursive script that reads "Latrice Bond". The signature is written in black ink and is positioned above the printed name and title.

Latrice Bond  
Paralegal Specialist  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy